SINGLE BENCH (4)

CF/100/7

IN THE HIGH COURT OF CHHATTISGARH
BILASPUR

Writ Petition (S) No. 4248 / 2006 (S)

Petitioner — R.C. Sahu, Age 58 Yrs.
S/o Late Jeevanlal Sahu
Chief Executive Officer,
Janpad Panchayat Chura,
Teh. Gariaband, Raipur

P.R. No. 4319/06
Presented by Shri Rajshree
dated 7/11/06

VERSUS

Respondent — State of Chhattisgarh,
Through: Secretary,
Anusuchit Janjati tatha Anusuchit Jati Vikas Vibhag, Mantralaya,
Raipur

WRIT PETITION U/A. 226 OF THE CONSTITUTION

XI-HC-78

(18)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..WP/3361/2006 **सन्** 2006

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

14-8-2006

Shri Raja Sharma, counsel for the petitioner.

Shri Satish Gupta, Deputy Govt. Advocate for the State/respondent, on advance copy.

Heard.

This is the second petition filed by the petitioner questioning his transfer order dated 28-6-2006 as well as the order passed on his representation dated 29th July 2006.

Earlier, the petitioner filed a Writ Petition No.3361/2006 questioning his transfer from Janpad Panchayat Chhura to Janpad Panchayat, Tokapal, District Bastar. The petitioner is working as CEO of Janpad Panchayat. The petition raised certain difficulties about ailment of his wife, old age mother and premature transfer in the earlier writ petition. On the request of learned counsel for the petitioner, the petitioner was allowed to make a representation to the appropriate authority and in pursuance of the order of this Court dated 11-7-2006, the petitioner made a representation to the Secretary, Government of Chhattisgarh. However, same has been rejected vide order dated 29th July 2006 (Annexure-P/1).

Learned counsel for the petitioner tried his level best to raise ground for staying the transfer order, but the petitioner has not been able to make out a case for interim relief by this Court under Article 226 of the Constitution of India at this stage.

Learned counsel for the petitioner made a statement before the Court that on account of personal difficulties of the petitioner, it is difficult for the petitioner to continue in the service, therefore, looking to his personal difficulty, he wants to move an application before the Secretary for seeking voluntary retirement and the Secretary be directed to decide

P.T.O.

(19)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

the case of the petitioner regarding voluntary retirement at the earliest. In the meanwhile, he should not be relieved from the present place of posting and service record should also not be transferred to Bastar otherwise the petitioner will not be able to get the retiral benefits in due time.

The prayer made by learned counsel for the petitioner is just, fair and reasonable. Therefore, if the petitioner moves an application for voluntary retirement before the Secretary, Anusuchit Janjati Tatha Anusuchit Jati Vikas Vibhag, Mantralaya, Raipur within a week, then the Secretary to decide his application within a period of 30 days from the date of receipt of the application, in accordance with law. During that period, if the petitioner is not relieved, he should not be relieved and service record of the petitioner should also not be transferred to Bastar.

With the direction aforesaid, the petition stands disposed of.

Consequently, M.(W.)P. No.3297/2006 also stands disposed of.

Certified copy be given today itself.

Sd/-
L.C. Bhadoo
Judge

Barve

P.T.O.

14.6.06